OPINION 1101
CONSERVATION OF *GEOSITTA PERUVIANA* LAFRESNAYE, 1847 AND *GEOSITTA PAYTAE* MENEGAUX & HELLMAYR, 1906 (AVES)

RULING.- (1) Under the plenary powers, the specific name *paytensis* Lesson, 1837, as published in the binomen *Anthus paytensis*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The following names are placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

(a) *peruviana* Lafresnaye, 1847, as published in the binomen *Geositta peruviana* (Name Number 2627);

(b) *paytae* Ménégaux & Hellmayr, 1906, as published in the binomen *Geositta paytae* (Name Number 2628).

(3) The specific name *paytensis* Lesson, 1837, as published in the binomen *Anthus paytensis*, and as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1024.

HISTORY OF THE CASE Z.N.(S.) 1980

An application for the suppression of *Anthus paytensis* Lesson, 1837 (Aves) was first received from Dr Charles Vaurie (then of the *American Museum of Natural History, New York)* on 23 August 1971. It was sent to the printer on 23 September 1971 and published on 1 May 1972 in *Bull. zool. Nom.* vol. 29: 35-36. Public notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the serials prescribed in the Constitution and to twelve ornithological serials. The application was supported by the Standing Committee on Nomenclature of the International Ornithological Congress (*Bull.* vol. 30: 71). The Secretary (*Bull.* vol. 31: 172) asked for further information, and this was supplied by Dr Vaurie (*Bull.* vol. 32: 16).

On 10 February 1976 the members of the Commission were invited to vote on Dr Vaurie's application on Voting Paper (1976)7. The following extract from Dr Vaurie's letter, approved by him, accompanied the voting paper:

"I wish to add some information to my earlier comment to show that Zimmer almost certainly erred in identifying *Anthus paytensis* Lesson, 1837, with *Geositta peruviana* Lafresnaye, 1847. Hence his action upset taxonomic as well as nomenclatural stability.

"I am at present responsible for bringing together, studying and arranging the large collection of bird types in the Paris Museum. In my original application in this case I had not questioned Berlioz's and Zimmer's opinion and said "the type of *paytae* Ménégaux & Hellmayr, 1906 . . . was very probably the same specimen on which Lesson based his *paytensis* published in 1837". However, I can now say that the type of *paytensis* is not in the Paris collections and may never have existed. No specimen which could be the type was ever registered there or in the lists of specimens brought back by the *Uranie* or the *Vénus*.

"The original label of the type of *paytae* Ménégaux & Hellmayr is not dated. It says merely "Payta" with an undecipherable scribble which may be "m" for "male". A later label is in Hellmayr's writing, as Zimmer says Berlioz informed him; but either Zimmer or Berlioz made an error, for the label says "*Geositta paytae*, type de l'espèce", *not* "*Geositta paytensis*". Berlioz apparently told Zimmer that Lesson's type was collected by Gaudichaud, possibly on the voyage of the *Uranie*, whereas the type of *paytae* was obtained on the voyage of the *Vénus*. However, the lists of birds brought back by the ships (perhaps incomplete) mention no specimens of *Geositta* or *Anthus*. The *Uranie* lists include no material of any kind from the western coasts of South America, and Bertin (1939, *Bull. Mus. nat. d'Hist. nat.* (2) vol. 11, no. 1) states explicitly that natural history specimens were collected only by Quoy and Gaimard.

"The voyage of the *Vénus* lasted from 1836 to 1839, and the earliest date of accession in the museum register is 5 September 1839. But as Lesson's *paytensis* was published in 1837, it is impossible that *paytae* was based on the same specimen. Gaudichaud may have been a collector on the *Vénus*, but was certainly not on the *Uranie*. Moreover, his name on the label of the type of *paytae* is in Hellmayr's writing.

"The type of *paytae* is certainly a *Geositta peruviana;* but *Anthus paytensis* Lesson is unidentifiable, notwithstanding Zimmer's statement that 'the description [of Lesson]fits *Geositta peruviana* in detail'. It does nothing of the kind! The only conspicuous character of *G. peruviana* is the reddish-cinnamon colour of the wing over most of its area, interrupted by a very broad band of dark brown near the distal third. The tips of the outer four remiges are brown, those of the others are reddish. The tail is also reddish. Lesson, who was an experienced and careful taxonomist, was clearly describing a different bird: 'Son plumage en dessus est couleur d'ochre-brunâtre, la teinte brune est plus marquée sur les pennes alaires et caudales, où les plumes sont frangées de blond. Toutefois, les dernières sont terminées de brun.

Les parties inférieures sont blanches, lavées de jaune sur les côtés du cou et sur les flancs'.

"Ménégaux & Hellmayr's type has the wing colour of *peruviana* but is too faded to be certain of the general coloration 'du dessus' and 'des parties inférieures'. But *G. peruviana,* of which I have seen many good specimens, is very pale sandy above, not ochre or brown, and whitish below, not yellow at the sides of the neck and on the flanks.

"To sum up, *Anthus paytensis* Lesson, 1837, is one of those rare cases of a *nomen dubium* that ought to be suppressed. Indeed, since its true identity is a matter of mere speculation, its revival so as to displace a name in long-standing use is unlikely to promote stability of nomenclature".

On 10 February 1976 the members of the Commission were invited to vote on Voting Paper (76)7 for or against the proposals set out in *Bull. zool. Nomencl.* vol. 29: 36. At the close of the Voting Period on 10 May 1976 the state of the voting was as follows:

Affirmative Votes - fourteen (14) received in the following order: Melville, Holthuis, Mayr, Lemche, Eisenmann, Mroczkowski, Vokes, Willink, Tortonese, Corliss, Rohdendorf, Bernardi, Nye, Bayer

Negative Vote: Heppell

Abstentions: Dupuis, Sabrosky

Late Affirmative Votes: Alvarado, Habe, Brinck, Kraus

Leave of Absence: Binder.

Voting Papers not returned: Erben, Simpson, Starobogatov.

The following comments sent in by members of the Commission with their voting papers caused me not to issue an Opinion, but to seek Council's permission to re-open the case.

Sabrosky (abstaining): "I would ordinarily have voted for *paytensis,* but the cited zoological considerations seem to have blemished its claim. However, I am not at all satisfied with those. It is curiously inconsistent that Vaurie *(Bull.* vol. 30: 71) stated that Zimmer (1953) 'established . . . *incontrovertibly'* (my italics) the identity of *paytensis* Lesson, but in *Bull.* 32: 16 he stated that 'the correctness of Zimmer's interpretation . . . of Lesson's description can be contested'.

"The additional information furnished by Vaurie deals chiefly with the identity and labelling of a certain specimen in the Paris Museum, but Zimmer's conclusions were based on the *description,* not on that specimen. The positiveness of Zimmer's conclusions seems not to have been quoted: 'The original description of this

supposed *Anthus* shows clearly that is it not a pipit but is certainly the bird later described as *Geositta peruviana paytae* . . .'. He considered it curious that Lesson's name had escaped consideration 'in spite of the clarity of the description'. Further ' . . . the application of Lesson's name is undoubted. The description fits *Geositta peruviana paytae* in detail and that form is the only *Geositta* known from Payta and also the only bird occurring at Payta to which the diagnosis can apply.' "

Heppell (opposing): "It is surely illogical of Vaurie to argue convincingly that Lesson was describing a different bird and that Zimmer's synonymy was clearly in error, and still to claim that *paytensis* Lesson is a threat to the nomenclatural stability of *peruviana* Lafresnaye. In the light of Vaurie's evidence the desired result would seem to have been achieved by the airing of the case without any further action by the Commission being required."

Bernardi: "Oui, puisque le type est perdu et que les données bibliographiques disponsibles prouvent qu'il s'agit bien, à jamais, d'un nomen dubium."

Dupuis (abstaining): "Je refuse de voter dans la confusion. S'agit-il de voter sur la proposition vol. 29: 36 (suppression d'un synonyme subjectif ancien) ou sur la page volante jointe au voting paper (suppression d'un nomen dubium)?"

FURTHER ACTION BY THE COMMISSION

On 2 August 1976 I therefore laid the facts and history of the case before the Council of the Commission and sought their permission to reopen the case. As a result of their replies (which are set out in the following section), I invited the members of the Commission on 23 February 1977 to vote under the Three-Month Rule on Voting Paper (1977)3 for or against the suppression of *Anthus paytensis* Lesson, 1837. The following note accompanied the voting paper.

CALL FOR A NEW VOTE ON THE PROPOSAL TO CONSERVE THE NAMES *GEOSITTA PERUVIANA* LAFRESNAYE, 1847 AND *GEOSITTA PAYTAE* MENEGAUX & HELLMAYR, 1906 THROUGH THE SUPPRESSION OF *ANTHUS PAYTENSIS* LESSON, 1837 (AVES). Z.N.(S.) 1980

In 1972 *(Bull. zool. Nomencl.* vol. 29: 35-36) the late Dr Charles Vaurie applied for the suppression under the plenary powers of *Anthus paytensis* Lesson, 1837. His grounds were that the status of that name had been uncertain for nearly 100 years until Zimmer

(1953) had shown that it was "incontrovertibly a Furnariid of the genus *Geositta* and the same form redescribed later as *Geositta paytae* by Ménégaux & Hellmayr" (1906; a subspecies of *G. peruviana* Lafresnaye, 1847). Dr Vaurie said that *paytensis* Lesson, 1837, and *paytae* Ménégaux & Hellmayr, 1906 were very probably based on the same specimen.

The case, therefore, was an application for the suppression of a little-used senior synonym (there were four recent usages by two authors at that time) in favour of two widely used junior synonyms. It was supported by the Standing Committee on Ornithological Nomenclature of the International Ornithological Congress (1973, *Bull.* 30: 71). The Secretary pointed out (1975, *Bull.* 31: 172) that the Commission required more evidence of usage of the junior names involved and of the degree of disturbance to stability that would follow the application of the Law of Priority.

Dr Vaurie provided evidence of the usage of *peruviana* (from which *paytae* was not always separated, even subspecifically), and this was published in 1975 *(Bull.* 32: 16-17). He still maintained that *paytensis* was a senior synonym of *peruviana,* though he said that Zimmer's interpretation might be contested.

From this point on the complexion of the case began to change. In March 1975 Dr Vaurie sent a letter in which he showed that the type of *paytensis* Lesson could not have been the same as the type of *paytae* Ménégaux & Hellmayr, that it was not in the Paris Museum, and that in fact it may never have existed as a part of a collection. He also showed that Zimmer had been wrong to say that Lesson's description fitted Ménégaux & Hellmayr's species in detail. He now concluded that *A. paytensis* was a nomen dubium but asked for its suppression since it had been revived in such a way as to cause confusion.

I therefore concluded that "If Zimmer and Vaurie differ as to the identity of *Anthus paytensis* Lesson, 1837, or if they differ as to whether it can be identified or not, the problems are zoological not nomenclatural. Such questions cannot be resolved by a vote of the Commission." I therefore proposed to cancel the vote on V.P. (76)7, to notify Dr Vaurie of the comments quoted above, and to review the situation when I had received his reply. My letter to the Council, which was written in August 1976, was written in ignorance of the fact that Dr Zimmer had been dead for some years and that Dr Vaurie had died shortly before I wrote.

Of the members of Council, Dr Sabrosky, Dr Mayr and Dr Ride approved of re-opening the case. Dr Holthuis, however, expressed a contrary view. He said:

"The fact is that the term *nomen dubium* is a perfectly subjective one. One cannot say '*Anthus paytensis* is a nomen

dubium', but only 'I consider *Anthus paytensis* to be a nomen dubium'.

"The situation now is that there are two groups of zoologists. One considers that *Anthus paytensis* is a nomen dubium and thus, correctly, does not use it. The other (Zimmer, Koepcke) are convinced of the identity of *Anthus paytensis* Lesson, 1837 and *Geositta peruviana* Lafresnaye, 1847, and use, quite correctly under the Rules, the epithet *paytensis,* being the older of the two. Because of the different taxonomic opinion of these two groups of zoologists, the nomenclature adopted by them (both perfectly correct under the Rules) is different.

"In this situation the Commission can act. Unless it fixes the identity of *Anthus paytensis* by a neotype selection, there is only one course of action open to the Commission to ensure that both groups of zoologists use the same name for the taxon in question. This is to suppress the name *Anthus paytensis,* as it has done under V.P. (76)7.

"As long as there is a difference of opinion concerning the identity of *Anthus paytensis* there is bound to be confusion and lack of uniformity in the use of the name. I would advise therefore to let the vote stand. When I voted I did so neither to suppress a nomen dubium nor to suppress an older synonym, but solely to suppress a name that caused trouble."

I have also had correspondence from Dr Eisenmann on the subject. He makes the following points: (1) that many applications for the suppression of unused senior synonyms mention that there is doubt about the interpretation of the names; (2) that where, as here, there is a divergence of views on the interpretation of an old name, instability and confusion are inevitable; (3) that Dr Vaurie had originally accepted Zimmer's opinion at its face value because it was based on advice from Paris, though neither of them had then examined the collections there - but when he (Vaurie) was able to go through the collections it was obvious to him that Zimmer had been wrongly advised; (4) it was thus not inconsistent, but scientifically necessary to accept the implications of the non-existence of Lesson's type and of the obvious discrepancies (Zimmer having been misled through no fault of his own) between Lesson's description and the type of Ménégaux & Hellmayr's subspecies. He thus renewed his plea for the suppression of *Anthus paytensis.*

I had suggested to Dr Eisenmann that Ménégaux & Hellmayr's type be designated neotype of Lesson's species under the plenary powers and that the senior objective synonym be then suppressed, but he thought this a too elaborately contrived solution (although it clearly occurred to the mind of Dr Holthuis).

What proposal should now be put before the Commission to resolve the issue? Reviewing members' comments set out in para 5 above, I think that they paid too little heed to the evidence for the non-existence of the type of *paytensis* and to the fact that Zimmer, followed for a time by Vaurie, had been misinformed. Certainly the re-introduction of an unused name on such bases seems ill advised. Nevertheless, the name has been used. Even if Dr Vaurie's evidence circulated with V.P. (76)7 were to be published, it is not certain that this alone would suffice to restore stability and uniformity. The fact is that, even if it can no longer be seriously maintained that *paytensis* is a synonym of either *peruviana* or *paytae*, its use as a valid name in any sense is likely to cause confusion. I therefore propose that the Commission should vote on the accompanying Voting Paper (77)3 for or against the suppression of *Anthus paytensis* Lesson, 1837, because it is an actual and a potential cause of confusion.

DECISION OF THE COMMISSION

At the close of the voting period on 23 May 1977 the state of the voting was as follows:

Affirmative votes - eighteen (18) received in the following order: Melville, Lemche, Holthuis, Eisenmann, Vokes, Alvarado, Rohdendorf, Willink, Heppell, Tortonese, Bayer, Kraus, Brinck, Binder, Corliss, Starobogatov, Ride, Habe

Negative votes - four (4): Mroczkowski, Dupuis, Nye, Cogger

Abstention: Sabrosky.

A late affirmative vote was received from Dr Welch. No voting paper was returned by M. Bernardi.

The following comments were sent in by members of the Commission with their voting papers:

Eisenmann: I agree completely with Dr Holthuis's comments as to nomina dubia; they present nomenclatural problems which the Commission has not hesitated and should not hesitate to handle. The original vote to suppress should not have been cancelled and should be reinstated.

Mroczkowski: A vote "for" means that the Commission is interfering in a zoological, not a nomenclatural problem. Before a vote is taken the identity of *Anthus paytensis* should be fixed (by discovering the type or designating a neotype).

Nye: I am in full agreement that the name *Geositta peruviana* should be conserved as a valid name, but I am unwilling to vote for the suppression of a senior subjective synonym and thus endorse dubious taxonomy. In this case, in common with nearly all other cases involving senior subjective synonyms, the applicant should

have asked that *G. peruviana* be granted nomenclatural precedence over *Anthus paytensis* when both are treated as denoting the same biological taxon.

ORIGINAL REFERENCES

The following are the original references for the names placed on an Official List and Index by the Ruling given in the present Opinion:

paytae, Geositta, Ménégaux & Hellmayr, 1906, *Bull. Soc. Hist. nat. Autun,* vol. 19: 46.

paytensis, Anthus, Lesson, 1837, *Compléments de Buffon* vol. 8: 167

peruviana, Geositta, Lafresnaye, 1847, *Rev. Zool.* vol. [10]: 75.

CERTIFICATE

I certify that the votes cast on Voting Papers (76)7 and (77)3 were cast as set out above, that the proposal contained in the latter voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1101.

R.V. MELVILLE
Secretary
International Commission on Zoological Nomenclature
London
3 August 1977